

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHEVELLE TINGEN,	:	
	:	
Plaintiff	:	
	:	CIVIL ACTION No. 02-4663
vs.	:	
	:	
	:	
ROBERT L. ECKLIN, JR., Individually and	:	
doing business as ECKLIN DEVELOPMENT	:	
GROUP and DENNIS SCHOPF,	:	
Defendants	:	

ORDER

AND NOW, this ____ day of _____, 2003, after reviewing Defendants' Motion For Summary Judgment, all supporting papers and Plaintiff's response thereto, said Motion is GRANTED. Plaintiff's lone federal claim is dismissed with prejudice and all remaining state law claims are dismissed.

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHEVELLE TINGEN,	:	
	:	
Plaintiff	:	
	:	CIVIL ACTION No. 02-4663
vs.	:	
	:	
	:	
ROBERT L. ECKLIN, JR., Individually and	:	
doing business as ECKLIN DEVELOPMENT	:	
GROUP and DENNIS SCHOPF,	:	
Defendants	:	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, Robert L. Ecklin, Jr. ("Ecklin"), Ecklin Group ("Ecklin Group") and Dennis Schopf ("Schopf"), by their attorneys, file the following Brief in Support of its concurrently filed Motion for Summary Judgment to all counts contained in the Complaint of Plaintiff Chevelle Tingen.

1. (Count I) Plaintiff's claim for sexual harassment under Title VII of the Civil Rights Act of 1964, as amended ("Title VII") should be dismissed as it relates to all Defendants, because none of the Defendants are covered employers under Title VII.

2. (Count I) Alternatively, Plaintiff's claims of sexual harassment under Title VII should be dismissed as it relates to individual Defendants Ecklin and Schopf, because Title VII does not permit liability against individuals.

3. (Count II) Plaintiff's claim against individual Defendant Ecklin in violation of the Pennsylvania Human Relations Act ("PHRA") should be dismissed, because Plaintiff has failed to meet her prima facie burden of establishing that individual Defendant Ecklin aided or abetted the alleged sexual harassment by Defendant Schopf.

4. (Count II) Plaintiff's claim for sexual harassment under the PHRA against individual Defendant Schopf should be dismissed, because the alleged harasser cannot be said to have aided or abetted the harassment.

5. (Count III) Plaintiff's claim for negligent and intentional infliction of emotional distress should be dismissed as against all Defendants, because it is barred by the Pennsylvania Workers' Compensation Act.

6. (Count IV) Plaintiff's claims for negligent retention and negligent failure to supervise against individual Defendant Ecklin and Defendant Ecklin Group should be dismissed, because it is barred by the PHRA and the Pennsylvania Workers' Compensation Act.

7. (Counts II - V) Plaintiff's state law claims should be dismissed, because this court lacks jurisdiction once the Title VII cause of action is dismissed. Title VII is the lone federal question pleaded by Plaintiff.

WHEREFORE, based on the foregoing and on Defendants' accompanying Brief in Support of Motion for Summary Judgment, Defendants respectfully request that the Court grant summary judgment in this matter in its favor and dismiss Plaintiff's Complaint in its entirety.

STEVENS & LEE

Dated: September 3, 2003

By: _____
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Attorneys for Defendants Robert L. Ecklin, Jr.,
Ecklin Group and Dennis Schopf

CERTIFICATE OF SERVICE

I, JOSEPH D. SHELBY, ESQUIRE, certify that on this date, I served a true and correct copy of the foregoing DEFENDANTS' MOTION FOR SUMMARY JUDGMENT upon the Plaintiff's attorney, via hand delivery at the following address:

Nina B. Shapiro, Esquire
53 North Duke Street
Suite 201
Lancaster, PA 17602

Joseph D. Shelby

Dated: September 3, 2003

